

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

WP(C).No. 12968 of 2007(S)

PETITIONER:

THE JAYAPRAKASH CULTURAL CENTER,
REG.NO.930/90, TRIVANDRUM,
REPRESENTED BY ITS IDUKKI DISTRICT
PRESIDENT C.N.VIJAYAN, KUMILY PO
IDUKKI DISTRICT.

BY ADV. SRI.ANIL THOMAS(T)

RESPONDENTS:

1. THE STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMENT OF KERALA,
SECRETARIAT, TRIVANDRUM.
2. THE KERALA STATE CIVIL SUPPLIES CORPORATION LTD.,
POST BOX NO.2030,
GANDHI NAGAR,
ERNAKULAM, KOCHI - 682 020,
REPRESENTED BY ITS MANAGING DIRECTOR.
3. THE CENTRAL BUREAU OF INVESTIGATION,
REPRESENTED BY THE SUPERINTENDENT OF POLICE,
C.B.I., KOCHI,
KATHRUKKADAVU,
KOCHI-17.

W.P.(C). NO. 12968/07 S

4. DELHI SPECIAL POLICE ESTABLISHMENT
(C.B.I),
REPRESENTED BY THE DIRECTOR,
NEW DELHIL.

R1 by ADDL. ADVOCATE GENERAL -
- SRI VENGANOOR CHANDRASEKHARAN NAIR.
& SR. GOVERNMENT PLEADER SHRI P.K. BABU.

R2 BY STANDING COUNSEL SMT.MOLLY JACOB.

R3 & R4 BY SRI.P.PARAMESWARAN NAIR, ASST.SOLICITOR GENERAL
& SRI.S.SREEKUMAR, STANDING COUNSEL, CBI.

THIS WRIT PETITION HAVING COME UP FOR ADMISSION ON 11.12.2007,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K. M. JOSEPH, J.

W.P.C. NO. 12968 OF 2007 S

Dated this the 11th December, 2007

JUDGMENT

H. L. DATTU, C.J.

Petitioner is the President of Idukki District Jayaprakash Cultural Center, a Society registered under the provisions of the Societies Registration Act. The area of operation of the petitioner Society extends through out the State. It is stated in the Writ Petition that the Society is established for the propagation and implementation of the principles of public life preached by Late Jayaprakash Narayanan. The main objects of the petitioner Society are the development of fraternity among the members, work for the economic, cultural and social upliftment of the members.

2. It is stated in the Petition that the second respondent Civil Supplies Corporation is a Government Company fully owned by the State Government. It is further stated that the second respondent is expected to function as a pioneering agency in the public distribution system in the State through the authorised Ration distribution and public distribution through open market.

3. Petitioner alleges that various acts of omissions and commissions are said to have been committed by the second respondent right from the year 1995 till 2006 which has resulted in a huge loss to the second respondent Corporation. It is also stated that some of the Officials who were managing the affairs of the Corporation were responsible for all those so-called misdeeds. Therefore, the petitioner is before this Court, inter alia, requesting this Court to direct the third respondent, Central Bureau of Investigation, to have a full-fledged investigation into the irregularities in the functioning of the second respondent Corporation for the

period from March 1995 to May 2006.

4. This Court while entertaining the Writ Petition, had passed an Order dated 13.4.2007. By the said Order, this Court had directed the learned counsel appearing for the Central Bureau of Investigation, to ascertain whether they could take up the investigation as desired by the petitioner and also the State Government.

5. The matter was again posted before the Court on 25.5.2007. On that day, an application came to be filed by the Central Bureau of Investigation expressing their inability to take up the investigation into the affairs of the Corporation. However, this Court, taking into consideration the pleadings of the petitioner and also taking into consideration certain allegations which were made against the persons who were managing affairs of the Corporation from the year 1995 to May, 2006, and also in public interest had thought it fit to direct the Central Bureau of Investigation to investigate into the affairs of the Corporation rightly from the year 1995 to May, 2006 and submit a Report as early as possible, at any rate, within six months from the date of the Order.

6. Now the matter is posted before this Court for further Orders.

7. The learned Assistant Solicitor General, Shri P. Parameswaran Nair, appearing for the Central Bureau of Investigation has submitted a Report in a sealed cover.

8. We have opened the sealed cover and we have perused the Report of the investigation made by the Central Bureau of Investigation.

9. In the concluding paragraph of the Report, the C.B.I. has stated that pursuant to the direction issued by this Court, they have conducted the investigation into the affairs of the Corporation right from the year 1995 to May, 2006.

10. The only relief that was sought for by the petitioner in the Writ Petition was to direct the C.B.I. to look into the irregularities in the functioning of the second respondent Corporation. In view of the direction issued by us, the C.B.I. has conducted the investigation and submitted a Report before us. In the concluding paragraphs of the Report, it is stated as follows:

"16. In respect of the period 1995 - 2001, an incident of a huge fraud in sugar transportation that took place during 1999, which is found mentioned in various audit reports of the Corporation, was studied. The enquiry in this regard revealed that the matter had already been investigated by the local police and 2 chargesheets already filed. Thus, the entire period from 1995 - 2006 was covered during the enquiry.

17. It is submitted that with the limited resources of CBI, Cochin Branch, without compromising on its basic scope of work to investigate cases of corruption in the Central Government Organisations in the State of Kerala and Union Territory of Lakshadweep, efforts have been made to identify the most suitable 5 cases for investigation by CBI, in compliance with the directions of this Hon'ble Court.

18. It is humbly prayed that this Hon'ble Court may be pleased to pass orders for investigation of the above mentioned 5 cases by ACB, CBI, Cochin and the remaining cases may continue to be investigated by the State Police."

11. The one and the only relief sought for by the petitioner in this Writ Petition is to direct the CBI to investigate into the irregularities in the functioning of the second respondent Corporation. Pursuant to the interim orders, the CBI has investigated into the irregularities in the functioning of the second respondent Corporation. It only means that the main prayer in the Writ Petition has been complied with by the C.B.I. In that view of the matter, no further orders require to be

passed in the instant Writ Petition. Accordingly, placing the Report submitted by the C.B.I. on record, the Writ Petition is closed.

Ordered accordingly.

**H.L. DATTU,
CHIEF JUSTICE**

**K.M. JOSEPH,
JUDGE**

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